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EXAMINER

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

***Response to Arguments***

The rejection of claims 1-36 based on Baba *et al.* (US 6,638,991) and Shibata *et al.* (US 4,547,543) is maintained for reason of record and following response.

Baba *et al.* (US '991) discloses a contact lens material comprising a pyrrolidone derivative {N-vinylpyrrolidone, N-VP} (4:18; 9:58-63) and a polydimethylsiloxane compound having ethylenically unsaturated groups {(meth)acryloyl} bonded to the main chain with urethane bonds (7:25-8:2). Shibata *et al.* (US '543) clearly discloses N-methyl-3-methylene-2-pyrrolidone, N-MMP, to be used in conjunction with N-VP to improve the hardness and dimensional stability of the contact lens (2:46-56), as well as no substantial elution of a non-crosslinked N-MMP polymer is observed, and thus, the contact lens is highly safe for the eyes (4:63-5:3). N-MMP is to be used with N-VP, and not substituted for N-VP.

In response to applicant's arguments regarding Shibata *et al.* lack of suggestion that N-MMP would have a beneficial effect on systems (Baba *et al.*) using polysiloxane macromonomers, the disclosure of Shibata *et al.* clearly indicates N-MMP is highly copolymerizable with (meth)acryloyl moieties, resulting in a copolymer that is very well crosslinked and has little possibility of non-crosslinked N-MMP eluting. When N-MMP is used in combination with N-VP, the resulting contact lens material has superior transparency and optical properties (2:22-42). Whether or not a polysiloxane macromonomer is present is immaterial.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re*

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*Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). A person having skill in the art would recognize the combination of N-MMP with N-VP, as disclosed by Shibata *et al.* (US ‘543) , for improving the hardness and dimensional stability of contact lenses (2:46-56), as well as for no substantial elution of a non-crosslinked N-MMP polymer, and thus, the contact lens is highly safe for the eyes (4:63-5:3). N-MMP is to be used with N-VP, and not substituted for N-VP.

### ***Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pepitone whose telephone number is 571-270-3299. The examiner can normally be reached on M-F, 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Mark Eashoo can be reached on 571-272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Mark Eashoo/  
Supervisory Patent Examiner, Art Unit 1796

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